



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18
LS
11/2/02
#18

IN RE APPLICATION OF: ISOMURSU et al.

SERIAL NO.: 09/183,343

ART UNIT: 2744

FILED: 10/30/98

EXAMINER: Gelin, J.

TITLE: COMMUNICATION NETWORK TERMINAL SUPPORTING A
PLURALITY OF APPLICATIONS

ATTORNEY DOCKET NO.: 442-007078-US(CO4)

The Commissioner for Patents

Washington, D.C. 20231

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DEC 10 2002
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37
C.F.R. 1.181 AND MPEP 711.03(c)

Sir:

This is in response to the Notice of Abandonment mailed 7/2/02 (Paper No. 17), for the above-identified patent application. The applicants petition for the withdrawal of the holding of abandonment and the issuance of a new and complete Office letter on the merits for the above-identified patent application.

The Notice of Abandonment indicated that the subject patent application was held abandoned for failure to file a proper response to the Office letter mailed on 5/08/01 (hereinafter

the Office letter). The Notice of Abandonment further noted the no reply was received in the USPTO to the aforesaid Office letter.

The Applicants herein petition for the withdrawal of this holding of abandonment and request the issuance of a new Office letter setting a new time period to respond thereto. This petition is requested under MPEP 711.03(c), because the action in the Office letter that was mailed on 5/08/01 (hereinafter the Action) in the subject application was defective and that a timely reply (by filing a Request for Resetting Reply Period Under MPEP Section 710.06) was made by the Applicant to the defective Action. Moreover, the USPTO addressed the Applicant's reply in an improper manner and after an inordinate delay through no fault of the Applicant. The Applicant's actions were timely and proper and do not cause the application to become abandoned.

As specified under MPEP 711.03(c), a Declaration by the undersigned, and Exhibits A-G in support of this petition are attached herewith.

MPEP 711.03(c) specifies that where an applicant contends that an application is not in fact abandoned, a petition under 37 CFR 1.181 to withdraw holding of abandonment is appropriate. In this case, the Action was defective, was identified as such by the Applicant in a timely and appropriate manner, and thus cannot in fact cause the Application to become abandoned. Moreover, the Applicant Request for Resetting Reply Period Under MPEP Section 710.06,

and subsequent actions constitute a proper reply to the defective Action and thereby did not result in the Application becoming abandoned. Further, the USPTO response to the Request was improper and was made after an inordinate delay after receipt of the Request through no fault of the Applicant. The Applicant respectfully submits that the attached Declaration and Exhibits A-G, clearly show that the Application was not abandoned and the Holding of Abandonment should be withdrawn.

As specified in under MPEP 711.03(c) no fee is due with the petition. However, in the event that some charges arise from the filing of this petition please charge Deposit Account 16-1350.

Respectfully submitted,



Janik Marcovici (Reg. No. 42,841)

8/30/02

Date

PERMAN & GREEN, LLP
425 Post Road
Fairfield, CT 06430
(203) 259-1800
Customer No.: 2512

Certificate of Mailing

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class mail on the date shown below in an envelope addressed
to: Commissioner for Patents, Washington, D.C. 20231.

8/30/02
Date

Carolina Rodriguez
Name of Person Making Deposit



~~2744~~
2681

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ISOMURSU et al.

SERIAL NO.: 09/183,343

ART UNIT: 2744

FILED: 10/30/98

EXAMINER: Gelin, J.

TITLE: COMMUNICATION NETWORK TERMINAL SUPPORTING A
PLURALITY OF APPLICATIONS

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SEP 10 2002
Technology Center 2600

ATTORNEY DOCKET NO.: 442-007078-US (CO4)

The Commissioner for Patents
Washington, D.C. 20231

DECLARATION IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER MPEP 711.03(c)

Sir:

In support of the attached Petition to Withdraw the Holding of Abandonment, I, Janik Marcovici, registration number 42,841, do hereby declare as follows:

(1) On 7/8/02, the undersigned received at the law firm of Perman & Green, LLP, 425 Post Road, Fairfield, CT 06430, (hereinafter the firm) a Notice of Abandonment (hereafter the Notice) mailed 7/2/02, in the above-referenced patent application. The Notice, a copy of which is attached hereto as Exhibit A, indicates that the above-referenced patent application has gone abandoned in view of a failure to timely file a reply to an Office letter that was mailed on 5/8/01. The Notice also refers to Office communication Paper No. 16 (hereinafter the Paper No. 16, a copy of which is attached

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hereto as Exhibit B) that was mailed 5/15/02 as further providing reasons for the application going abandoned.

(2) On 5/11/01, the undersigned received at the firm an Office letter (hereinafter the Letter) mailed 5/8/01 including a Decision granting the Petition to Withdraw the Holding of Abandonment (a copy of which Decision is attached hereto as Exhibit C). The Decision granted the Petition on the basis that the Applicant showed that an Office Action said to have been mailed on 6/16/00 was indeed not received by the Applicant. The Letter also included the aforementioned Office Action (which was a final action) said to have been mailed on 6/16/00 (hereinafter the Action), a copy of which is attached hereto as Exhibit D, and set the time period for response to run from the date the Letter was mailed.

(3) The Action (Exhibit D) received by the firm with the Letter is the whole Action as received by the firm. Other than the Decision and the Action, no other papers were included with the Letter received by the firm.

(4) On page 7, Section 6 of the Action, the Examiner cited new prior art references made of record, not relied upon but considered pertinent to the Applicant's disclosure. The newly cited references are identified in the Action only as Heinlein et al., Budd et al., and Tiller et al. The Action provides no further identification of these newly cited references. The Action does not indicate whether the newly cited references are US patents, and does not provide any indicia information (such as patent numbers) by which the newly cited references may be searched and found. The Action does not include a PTO-892 form listing the newly cited

references, and copies of the newly cited references were not provided with the Action. No other papers were received by the firm as part of, or included with the Action that provided the missing information regarding the newly cited prior art references in the Action.

(5) The Action received by the firm is incomplete, and defective, and does not provide the Applicant with a complete basis from which the Applicant may fashion a proper reply to the Action. 37 CFR 1.104 requires that the examiner's action be complete as to all matters. For newly cited references, the Action must furnish such data as necessary to enable the Applicant to identify the references (e.g. for patents their numbers, dates and names of patentee). The Action does not do this. MPEP 707.05 requires that copies of the cited references be automatically provided with the Action in which they are cited. The Action did not provide any copies of the newly cited references.

(6) Failure to provide complete identification information of the newly cited references in the Action in order to allow the Applicant to identify the newly cited references, and failure to provide copies of the references to the Applicant with the Action is prejudicial to the Applicant, because it prevents the Applicant from crafting a reply to the Action which fully takes into account the disclosure of the newly cited references. Complete identification of newly cited references as well as copies of the newly cited references is needed by the Applicant to properly reply to the Action and move prosecution of the Application forwards to conclusion. A mailed action that fails to provide the complete citation information to enable the Applicant to identify the newly

cited references, and failure to provide copies of the newly cited references is thus no different than if the Applicant did not receive the Action in the first place.

(7) On or about 5/16/01, the undersigned contacted the Examiner that issued the Action, Examiner J. Gelin, by telephone to inform him that the Action was incomplete and defective, because it failed to properly identify the newly cited references and did not include copies of the newly cited references as is required. The undersigned contacted the Examiner in order to expedite prosecution of the application, and avoid further delays. The Examiner stated to the undersigned that he would look into the matter and provide copies of the newly cited references, but no further information identifying the newly cited references, and no copies were ever received by the firm.

(8) On 6/6/01, the undersigned filed on behalf of the Applicant a Request for Resetting Reply Period Under MPEP Section 710.06 (hereinafter the Request, a copy of which is attached hereto as Exhibit E). The Request stated that the Action cited new prior art references (Heinlein, Budd, Tiller) but failed to provide complete identification information for these references and failed to provide copies of the references, and thus the Action was incomplete and defective. The Request asked for complete information on the newly cited references and asked that the response period to the Action be reset in accordance with MPEP 710.06. (The Request also erroneously referred to the Theimer reference, also cited by the Examiner in the Action, which was first identified by the Applicant in an IDS and hence for which no copy was required to be provided to the Applicant. The

Heinlein, Budd, and Tiller references were however newly cited in the Action and it is the missing copies and the incomplete identification information with respect to these references that causes the Action to be incomplete and defective).

(9) The Request includes a Certificate of Mailing certifying to the mailing of the Request on 6/6/01. The Request was filed within one month of the mailing date of the Letter. Accordingly, the Request was timely made, and pursuant to MPEP 710.06 the three month response period must be reset to run from the date the error in the Action is corrected.

(10) Attached hereto as Exhibit F is a copy of the returned postcard mailed with the Request. The returned postcard carries a stamp from the OIPE dated 6/8/01 showing that the Request was received by the USPTO.

(11) The undersigned contacted the Examiner by telephone on or about 7/10/02 and again on or about 9/12/02 to ask about the status of the Request filed in the application. In both instances, the Examiner indicated that he would look into the matter but no further response was received by the undersigned.

(12) On 11/13/01 the undersigned filed a Status Inquiry with a Certificate of Mailing, a copy of which is attached hereto as Exhibit G, to inquire as to the status of the application because no response was received after five (5) months from the filing of the Request.

(13) To date no reply has been received to the Status Inquiry.

(14) On or about 1/22/02, the Examiner called the undersigned to determine whether the Applicant had responded to the Action. The undersigned again informed the Examiner that the Action was incomplete and defective, and that the Request was filed in response to the defective Action. The Examiner indicated that he would look into the matter.

(15) On or about 4/23/02, the Examiner again called the undersigned to determine whether the Applicant had responded to the Action. The undersigned yet again informed the Examiner that the Action was incomplete and defective, and that the Request was filed in response to the defective Action.

(16) On 5/20/02, the undersigned received at the firm the Office Communication Paper No. 16 (Exhibit B) mailed on 5/15/02, in response to the Request to reset the reply period received on 6/8/01. Thus, Paper No. 16 was mailed more than eleven (11) months after the date (6/8/01) the Request was received by the USPTO.

(17) Paper No. 16 stated that the Request (to reset the reply period) was denied. Paper No. 16 stated that the Request was denied because the Heinlein, Budd, and Tiller references were not relied upon for grounds of the rejection and were merely made of record, and thus were not required for the Applicant to respond to the Action. Paper No. 16 fails to address whether the Action was or was not incomplete and defective.

(18) The reasons stated in Paper No. 16 for denying the Request (to reset the reply period) are wrong and improper.

(a) 37 CFR 1.104 is clear that the Examiner action must be complete as to all matters and that with respect to citing

references the Examiner action shall furnish such data as may be necessary to enable the Applicant to identify the references (i.e. the published applications, patents, or printed publications) cited. 37 CFR 1.104 refers only to cited references and does not differentiate between references cited as being pertinent to the Applicant's disclosure but not relied upon for rejection and cited references relied upon for rejection. The identification of the newly cited references in the Action does not meet the standard set forth in 37 CFR 1.104, and that is why the Action is defective.

(b) MPEP 707.05, and 707.05(a) are clear that copies of documents cited will be automatically provided without charge to the Applicant together with the Action in which they are cited except in specific cases. These excepted cases are (a) where the documents are cited by the applicant, (b) have been referred to in the applicant's disclosure statement, (c) are cited and have been provided in the parent application, (d) are cited by a third party in a submission under 37 CFR 1.99, or (e) are US Patents which are cited at allowance. The newly cited references in the Action do not meet the exceptions listed in MPEP 707.05, and hence the failure to provide copies of the newly cited references with the Action does not meet the requirements of MPEP 707.05. Thus, the Action is incomplete and defective.

(c) MPEP 710.06 clearly states that where the "citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within one (1) month of the mailing date of the Action, the Office will restart (emphasis added) the

previously set period for reply to run from the date the error is corrected. The Action is incomplete and defective and under MPEP 710.06 denial of the Request (to reset the reply period) is improper.

(19) By failing to provide complete identification information for the newly cited references in the Action and failing to provide copies of the newly cited references with the Action, even if the newly cited references are only made of record and not relied upon, the Applicant is denied the ability to respond to the Action without prejudice. All the information available to the Examiner in making the rejection in the Action is not made available to the Applicant. By withholding this information, which is available to the Examiner, the Applicant is asked to fashion a response in the dark which places the Applicant in a detrimental and prejudicial position in drafting the response to the Action. Moreover, withholding from the Applicant information available to the Examiner is in no way conducive to expeditiously prosecuting of the application. This is why the reasons in Paper No. 16 for the denial of the Request are wrong.

(20) Paper No. 16 was mailed more than eleven (11) months after receipt of the Request. The Request was filed in response to the Action which was a final action. MPEP 714.13 requires that in the event that a reply to a final Action does not place the case in better form for appeal, nor in condition for allowance, the applicant should be promptly informed of the fact whenever possible within the statutory period. The eleven (11) month period that passed between receipt of the Request (on 6/8/01) and mailing of Paper No.

16 (on 5/15/02) is well outside the requirements of MPEP 714.13. Paper No. 16 fails to state that it was not possible to respond to the Request, which was the proper reply to the incomplete and defective Action, within the statutory period especially in view of the many telephone contacts on the matter between the undersigned and the Examiner. The eleven (11) month period between receipt of the Request and mailing of Paper No. 16 constitutes an inordinate delay in prosecution of the application.

(21) The inordinate delay in prosecution of the application has a great adverse effect on the Applicant's rights in any patent that issues from the application. This is especially the case in view of the earlier delay in order to have the earlier holding of abandonment in the application withdrawn.

(22) In summary, the undersigned attorney submits that the instant application was not abandoned, because the Action mailed 5/8/01 was indeed incomplete and defective, because the Applicant made a proper response by identifying the Action to be defective in a timely and proper manner with the filing of the Request, and because the inordinate delay in response to the Request was through no fault of the Applicant. (Rather, the undersigned on behalf of the Applicant made every effort to minimize the delay and expedite prosecution of the case.)

Therefore, the undersigned petitions for the withdrawal of the holding of abandonment and for the issuance of a new Office letter setting a new period to respond thereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Janik
Janik Marcovici
Reg. No.: 42,841

8/30/02
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06430
Customer No. 2512

Telephone: (203) 259-1800
Facsimile: (203) 255-5170

Certificate of Mailing

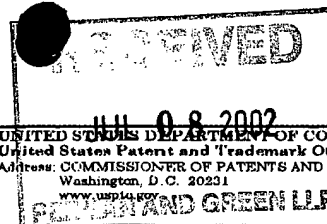
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8/30/02
Date

Guadalupe Rodriguez
Name of Person Making Deposit



UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/183,343

10/30/1998

PEKKA ISOMURSU

442-007078-U (CO4)

3022

7590 07/02/2002
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PERMAN AND GREEN
425 POST ROAD
FAIRFIELD, CT 06430

EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/183,343

Examiner

Jean A Gelin

Applicant(s)

ISOMURSU ET AL.

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 May 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Paper No. 16, which was mailed on 5/15/02.

Nay Maung
NAY MAUNG
PRIMARY EXAMINER

J.G.
6/30/02

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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MAY 20 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

DEPARTMENT OF COMMERCE
UNITED STATES PATENT AND TRADEMARK OFFICE
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Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/183,343

10/30/1998

PEKKA ISOMURSU

442-007078-U

(604)

3022

JM 7590 05/15/2002
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EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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16

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

This communication is in response to the request to reset the reply period received June 8, 2001. The delay in response is regretted.


Applicant's request to reset the time period under MPEP§ 710.06 for the reasons "...the examiner rejected claims in the application on the basis of newly cited references (specifically Theimer, Heinlein, Budd, and Tiller)" and wherein "The Examiner however failed to provide copies of the newly cited references", is Denied.

It is noted that contrary to applicant's assertion, the Heinlein, Budd and Tiller references were NOT relied upon for grounds of rejection, but were rather merely made of record and NOT relied upon. Therefore, these three references were not required for applicant to respond to the outstanding Office action. It is noted that the Theimer (newly cited) was relied upon for the rejection of claims 27-31. However, this particular piece of art was cited by applicant in paper #8. Thus it was unnecessary for the Examiner to forward a copy back to applicant.

Therefore, given that the newly cited art was either not needed for response, or should have already been in applicant's possession, the request for resetting the reply period is Denied.

The status of the application is as follows. Applicant admits receipt of a remailed final rejection (mail date of 5/08/01). Given that the time period for response to a Final rejection continues to run for 6 months after the mailing of the Final Rejection, even after an applicant response, and given the fact that applicant has provided no response to the remailed Final Rejection other than the aforementioned request, the maximum time period for response expired November 8, 2001. Therefore, the application's status is that it is abandoned. A notice of Abandonment will follow shortly.

J.G 5/13/02
703-305-4847


DWAYNE BOST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

MAY 11 2001
PERMAN AND GREEN LLP



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/183,343	10/30/98	ISOMORSU	442-007075-1 (CO)

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WM41/0508

EXAMINER
GELIN, J

ART UNIT	PAPER NUMBER
2681	14

US AUCTION
DUE DATE 8-8-01
PAPER DATED 5-8-01
OA _____ FINAL _____
MSG PT _____ DWG _____
APPEAL _____ ISSUE FEE _____
OTHER _____

05/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See petition decision attached; last page, last line

KIMBERLY D. SPEARS
SUPERVISORY LEGAL INSTRUMENTS EXMR.
TECHNOLOGY CENTER 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 13

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MAILED

APR 2 6 2001

Technology Center 2600

In re Application of
Pekka Isomursu et al.
Application No. 09/183,343
Filed: October 30, 1998
For: COMMUNICATION NETWORK
TERMINAL SUPPORTING A PLURALITY OF
APPLICATIONS

DECISION ON PETITION TO
WITHDRAW HOLDING
OF ABANDONMENT

This is in response to the petition filed March 6, 2001, to withdraw the holding of abandonment of the above-identified application.

This application is in an abandoned status for failure to respond in a timely and effective manner to the Final Office Action mailed on June 16, 2000 which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on January 3, 2001.

Petitioner asserts that the Final Office Action dated June 16, 2000 was not received. In the absence of any irregularity in the mailing of the non-Final Office Action, there is a strong presumption that the non-Final Office Action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the non-Final Office Action was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

A review of the record indicates that the Final Office Action was properly mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Final Office Action on the part of the United States Patent and Trademark Office.

Application No. 09/183,343
On Petition

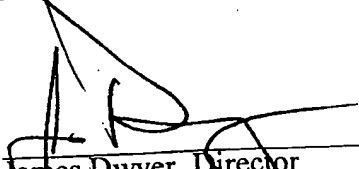
In support of the petition, the petitioner has submitted a copy of the docket records where the non-received Final Office Action would have been entered had it been received, a copy of the manual docket book, a statement from the practitioner, stating that a search of the office, the application file, and docket records indicated that the Final Office Action was not received.

The petitioner has made a sufficient showing of non-receipt of the non-Final Office Action based upon the docket records submitted and upon the statement from the practitioner. Accordingly, the application was not abandoned in fact.

The petition is **GRANTED**.

It should be noted however that while petitioner uses docket number 442-007078-U for several different patent applications, the system used for recording docket numbers by the USPTO only affords a certain number of characters and the distinguishing suffix used by petitioner to differentiate between applications is not recognized. Using the same docket number for several patent applications in the future may contribute to communications mailed by the USPTO being improperly docketed or not docketed at all by petitioner.

The application file is being forwarded to the Technology Center's support staff for mailing of a new non-Final Office Action. The time period for response will be set to run from the date the new office communication is mailed.



James Dwyer, Director
Technology Center 2600
Communications



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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LM02/0616

EXAMINER

SELM, J

ART UNIT	PAPER NUMBER
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2744

10

DATE MAILED:

06/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/183,343

Applicant(s)

Isomursu et al.

Examiner

Jean A. Gelin

Group Art Unit

2744



☒ Responsive to communication(s) filed on May 9, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 8-31 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2744

DETAILED ACTION

1. This is in response to the applicant's amendment and argument received on May 9, 2000 in which claims 24-31 have been added; claims 8-31 are currently pending. After a complete review of the response and claims, Applicant's arguments have been fully considered but they are not persuasive. Therefore, the rejection mailed on 02/04/00 remains.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turcotte in view of Crane et al. (Crane).

Regarding to claims 8, 15, Turcotte teaches a method of transferring data between a first device and a second device, the second device being remote from the first device, and both the first and second device being one of a mobile station capable of communicating over a mobile communications network, and of a computer capable of being connected to the mobile communication network (i.e., transmitting messages from one mobile unit to another mobile unit via the service center or network, col. 1, lines 25-36, col. 10, lines 40-49), the method comprising: transmitting information from the first device to the second device via at least one

Art Unit: 2744

mobile communications network (col. 3, lines 20-33, lines 65-67), transmitting a text message including a subject and time of an event (i.e., the appointment for this evening is canceled, col. 7, lines 45-57); receiving said text message at the second device (i.e., mobile station received the R-Data which includes an appointment, col. 7, lines 45-65); and storing the subject of the event of said received text message at the time of the event in an electronic calendar of the second device (i.e., the appointment for this evening is canceled, this message typically stores in the mobile for user to read it, col. 7, lines 45-57).

Turcotte does not specifically teaches transmitting a reservation calendar from one user to a second user via a communication network.

However, transmitting a reservation calendar from one user to a second user via a communication network is very well known in the art of communications, as evidenced by Crane. Crane discloses a notepad that receives messages over a network via the briefcase, said messages include requested information, calendar, instructions to make airplane reservation (col. 2, line 54 to col. 3, line 19). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have implemented the technique of Crane with the system of Turcotte in order to receive and send messages, make airline reservation in a manner that is simple and user-friendly format such that the user need not refer to a manual nor memorize an endless list of commands.

“With respect to claims 20, 21, they have limitations similar to those discussed above, and hence are rejected as being anticipated by Turcotte for the same reason given above.”

Art Unit: 2744

Regarding to claims 9, 22, Turcotte teaches the steps of allowing the user of the second device to select between confirming and canceling of said received text message, and performing the step of storing as a response to a confirmation by the user (col. 7, line 31 to col. 8, line 26, claims 5-7).

Regarding to claim 10, Turcotte teaches the step of sending a confirmation message from the second device to the first device as a response to said confirming of said received text message (col. 8, lines 10-26).

Regarding to claims 11, 16, Crane inherently teaches wherein the step of transmitting and receiving includes transmitting and receiving said calendar reservation in a user message, (col. 5, line 13 to col. 6, line 30)

Regarding to claims 12, 17, Turcotte discloses wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 4, lines 4-66).

Regarding to claims 13, 18, Turcotte inherently teaches wherein said user message comprises ASCII characters since the ASCII is the most popular coding system used in small communications device to convert letters and numbers into digital form.

Regarding to claims 14, 19, Turcotte teaches the short message includes an identifier identifying said user message (col. 5, lines 1-55).

Art Unit: 2744

Regarding to claim 23, Turcotte discloses the mobile station comprising a processor for connecting said received calendar reservation with said electronic calendar (i.e., the text message may include an appointment, col. 7, lines 45-55, col. 12, lines 9-15).

Regarding to claim 24, the claim is interpreted and rejected for the same reason as set forth in the rejection of claim 8 above.

Regarding to claim 25, Turcotte teaches adding the address of the second device to the user message (col. 8, line 11 to col. 6, line 65).

Regarding to claim 26, Turcotte teaches wherein the step of transmitting is started upon the user of the first device entering a second device (col. 5, lines 1-68).

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (Theimer).

Regarding to claim 27, Theimer teaches a mobile station having means for wireless communication, wherein the mobile station comprises: an electronic calendar, the electronic

Art Unit: 2744

calendar storing a calendar reservation including a subject and time of an event (col. 10, lines 8-37); means for transmitting said calendar reservation via a mobile communications network (i.e., scheduling information such as a calendar, col. 10, lines 8-21); and means for sending said a calendar reservation in a user message to a receiving device, the user message including a destination address of the receiving device (i.e., sending an electronic message to remind user of the schedule meeting, col. 10, lines 9-20 and col. 24, lines 8-17).

“With respect to claim 31, it has limitations similar to those discussed above, and hence is rejected as being anticipated by Theimer for the same reason given above.”

Regarding to claim 28, Theimer inherently discloses wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 6, lines 23-27, col. 8, line 59 to col. 9, line 6, col. 16, line 32 to col. 17, line 30).

Regarding to claim 29, Theimer inherently teaches wherein said user message comprises ASCII characters since the ASCII is the most popular coding system used in small communications device to convert letters and numbers into digital form (col. 16, lines 19-45).

Regarding to claim 30, Theimer teaches the user message includes an identifier identifying said user message (i.e., a timer alarm, col. 12, lines 55-61).

Art Unit: 2744

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heinlein et al. teaches computer system and method for process safety management hazard reviews.

Budd et al. teaches personal communicator including a handset phone with an integrated virtual image display.

Tiller et al. teaches selective reconfiguration method and apparatus in a multiple application personal communications device.

Response to Arguments

7. Applicant's arguments filed May 03, 2000 have been fully considered but they are not persuasive.

Regarding to claims 8-23, Applicant argues that the prior teaches the transmission of short text message (SMS) which contains text information such as let us meet tomorrow at 4:00 at the railway station. Therefore, transmitting a conventional SMS, as in Turcotte, containing mere text information is different than the Applicant's claimed limitations. Applicant further argues that transferring electronic calendar is different than text data and transmitting a calendar reservation is different than transmitting text messages describing an event and time.

The Examiner disagrees with the preceding argument: 1) the specification does not transmission of an event and time of the event is not text data. 2) the claims limitations do not include that the transmitting of calendar reservation is not transmitting text messages describing

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events and times. Therefore, the Examiner believe that the claims limitations are still read on the system of Turcotte in view Crane which transmit text information describing events and times.

The rejection mailed on 02/04/00 remains.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2744

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (703) 305-4847.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

J. Gelin

June 6, 2000

26



JEAN A. GELIN
EXAMINER



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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CLARENCE A GREEN
PERMAN AND GREEN
425 POST ROAD
FAIRFIELD CT 06430

LM03/0616

EXAMINER

SEELIN, J

ART UNIT

PAPER NUMBER

2744

10

DATE MAILED:

06/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

EXHIBIT D

Office Action Summary

Application No.

09/183,343

Applicant(s)

Isomursu et al.

Examiner

Jean A. Gelin

Group Art Unit

2744



☒ Responsive to communication(s) filed on May 9, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 8-31 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

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☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2744

DETAILED ACTION

1. This is in response to the applicant's amendment and argument received on May 9, 2000 in which claims 24-31 have been added; claims 8-31 are currently pending. After a complete review of the response and claims, Applicant's arguments have been fully considered but they are not persuasive. Therefore, the rejection mailed on 02/04/00 remains.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Regarding to claims 8, 15, Turcotte teaches a method of transferring data between a first device and a second device, the second device being remote from the first device, and both the first and second device being one of a mobile station capable of communicating over a mobile communications network, and of a computer capable of being connected to the mobile communication network (i.e., transmitting messages from one mobile unit to another mobile unit via the service center or network, col. 1, lines 25-36, col. 10, lines 40-49), the method comprising: transmitting information from the first device to the second device via at least one

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mobile communications network (col. 3, lines 20-33, lines 65-67), transmitting a text message including a subject and time of an event (i.e., the appointment for this evening is canceled, col. 7, lines 45-57); receiving said text message at the second device (i.e., mobile station received the R-Data which includes an appointment, col. 7, lines 45-65); and storing the subject of the event of said received text message at the time of the event in an electronic calendar of the second device (i.e., the appointment for this evening is canceled, this message typically stores in the mobile for user to read it, col. 7, lines 45-57).

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“With respect to claims 20, 21, they have limitations similar to those discussed above, and hence are rejected as being anticipated by Turcotte for the same reason given above.”

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Regarding to claims 9, 22, Turcotte teaches the steps of allowing the user of the second device to select between confirming and canceling of said received text message, and performing the step of storing as a response to a confirmation by the user (col. 7, line 31 to col. 8, line 26, claims 5-7).

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Regarding to claims 11, 16, Crane inherently teaches wherein the step of transmitting and receiving includes transmitting and receiving said calendar reservation in a user message, (col. 5, line 13 to col. 6, line 30)

Regarding to claims 12, 17, Turcotte discloses wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 4, lines 4-66).

Regarding to claims 13, 18, Turcotte inherently teaches wherein said user message comprises ASCII characters since the ASCII is the most popular coding system used in small communications device to convert letters and numbers into digital form.

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5. Claims 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (Theimer).

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Art Unit: 2744

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“With respect to claim 31, it has limitations similar to those discussed above, and hence is rejected as being anticipated by Theimer for the same reason given above.”

Regarding to claim 28, Theimer inherently discloses wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 6, lines 23-27, col. 8, line 59 to col. 9, line 6, col. 16, line 32 to col. 17, line 30).

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Art Unit: 2744

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Tiller et al. teaches selective reconfiguration method and apparatus in a multiple application personal communications device.

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The Examiner disagrees with the preceding argument: 1) the specification does not transmission of an event and time of the event is not text data. 2) the claims limitations do not include that the transmitting of calendar reservation is not transmitting text messages describing

Art Unit: 2744

events and times. Therefore, the Examiner believe that the claims limitations are still read on the system of Turcotte in view Crane which transmit text information describing events and times. The rejection mailed on 02/04/00 remains.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2744

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (703) 305-4847.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

J. Gelin

June 6, 2000

JG



JEAN A. GELIN
GROUP RECEPTIONIST

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ISOMURSU et al.

SERIAL NO.: 09/183,343

ART UNIT: 2744

FILED: 10/30/98

EXAMINER: Gelin, J.

TITLE: COMMUNICATION NETWORK TERMINAL SUPPORTING A
PLURALITY OF APPLICATIONS

ATTORNEY DOCKET NO.: 442-007078-US (CO4)

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

REQUEST FOR RESETTING REPLY PERIOD UNDER MPEP SECTION

710.06

Sir:

This request for resetting the reply period arises from an Office Action mailed 5/8/01 (Paper no. 14), a final action, in regard to the above-identified patent application.

In the above-noted action, the examiner rejected claims in the application on the basis of newly cited references (specifically Theimer, Heinlein, Budd, and Tiller).

The Examiner however failed to provide copies of the newly cited references. The Examiner also failed to indicate the patent number of the newly cited references (it is believed that the newly cited references are U.S. patents). The Applicants' attorney has contacted the Examiner by telephone to indicate the aforementioned defect in the

Action, and request copies of the references. To date the references have not been received. The Applicant again requests that the newly cited references forming the basis of the rejection be fully identified, and copies of the references be provided according to MPEP Section 707.05(a).

In addition, the Applicant request that the period for responding to the action which started to run on 5/8/01, be tolled and reset in accordance with MPEP Section 710.06. This request is being made within 1 month of the mailing date and hence the previously set three month response period should be restarted from the date the error is corrected.

Respectfully submitted,

J. W.
Janik Marcovici (Reg. No. 42,841)

6/6/01
Date

PERMAN & GREEN, LLP
425 Post Road
Fairfield, CT 06430
(203) 259-1800

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

6/6/01
Date

Couni Marsi
Name of Person Making Deposit

442-057078-004 JON 6/6/01

ATTORNEY DOCKET NO. 89/183,343 ATTY SECY DATE MAILED 6/6/01

SERIAL NO. 89/183,343 CHECK FOR \$ 0

☐ Amendment () page(s) ☒ Certificate of Mailing

☐ Preliminary Amendment () page(s) ☐ IDS, PTO-1449, references

☐ Amendment Transmittal Drawings

☐ Formal () sheet(s) ☐ Issue Fee

☐ Informal () sheet(s) ☐ Appeal Brief (in triplicate) () page(s)

☐ Red-line () sheet(s) ☐ Assignment

☐ Sub. of Proposed Drawing Amendment ☐ Declaration & Power of Attorney

☐ Transmittal of Formal Drawings ☐ Notice of Appeal

☐ Certificate of Correction ☐ Petition & Fee for Extension of Time

☐ Request for Certificate of Correction ☐ Let. Calling Attention To Error in Patent

☐ Request for Corrected Filing Receipt ☐ Completion of Filing Requirements

☐ Certified Copy

☐ Transmittal of Certified Copy

☐ Change of Attorney's Address in Application

☒ OTHER: Request for Resettling Reply Patent Caps

RECEIVED
JUN 08 2001
OIP E

Receipt is hereby acknowledged of the papers/fees as identified:
Commissioner of Patents & Trademarks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Isomursu et al.
Serial No.: 09 / 183,343 Group No.: 2744
Filed: 10/30/98 Examiner: Gelin, J.
For: Communication Network Terminal Supporting A Plurality
of Applications

Assistant Commissioner for Patents
Washington, D.C. 20231

STATUS INQUIRY

1. More than 5 months have passed since

☐ NEW APPLICATIONS

the filing of this application on _____.

No communication has been received from the Patent and Trademark Office indicating action on this application.

☒ AMENDED APPLICATIONS

Request For Resetting Reply Period Under MPEP Section 710.06
the filing of a ~~response~~ on June 6, 2001

No further communication has been received from the Patent and Trademark Office.

☐ APPEALED APPLICATION

The Appeal Brief was filed on _____.

(check and complete applicable items below)

☐ An Examiner's Answer was mailed on _____.

☐ A Reply to the Examiner's Answer was submitted on _____.

☐ ALLOWED APPLICATIONS

the mailing of FORM POL-327 and/or Examiner's Amendment on _____.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 11/13/01

Signature

Elaine F. Mian
Elaine F. Mian

(type or print name of person certifying)

(Status Inquiry [9-3]—page 1 of 2)

EXHIBIT G

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return-addressed envelope is provided.

NOTE: Status Inquiries should not be submitted for:

NEW applications until a reasonable period after the Official Gazette indicates that the filing date of the "oldest new case" awaiting action in the group to which the application is assigned, is subsequent to the filing date of the application, or

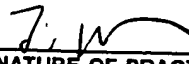
AMENDED applications within six (6) months after the filing of a response to which no reply from the PTO has been received, or ALLOWED applications where a notice of allowance is not received within three (3) months from the receipt of either a Form PTOL-327 or an Examiner's Amendment.

See Notice of November 24, 1971 (893 O.G. 810).

Reg. No.: 42,841

Tel. No.: (203) 259-1800

Customer No.: 2512


SIGNATURE OF PRACTITIONER

Janik Marcovici

(type or print name of practitioner)

Perman & Green, LLP

P.O. Address

425 Post Road

Fairfield, CT 06430

STATUS INQUIRY REPLY

APPLICATION SERIAL NO. 0 / _____ IS CURRENTLY

- ☐ ASSIGNED TO GROUP _____ AND AWAITS:
- ☐ ACTION BY THE EXAMINER.
- ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

APPEAL NO. _____

- ☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
- ☐ DATE OF HEARING EXPECTED _____
- ☐ DECISION EXPECTED _____

442-007078-45(24) Jim GFM 11-13-01
ATTORNEY DOCKET NO. ATTY. SECY. DATE MAILED

SERIAL NO. 09/183,343

CHECK FOR \$

- ☐ Amendment (_____ page(s))
- ☐ Preliminary Amendment (_____ page(s))
- ☐ Amendment Transmittal (_____ page(s))
- ☐ Drawings
 - ☐ Formal (_____ sheet(s))
 - ☐ Informal (_____ sheet(s))
 - ☐ Red-line (_____ sheet(s))
- ☐ Sub. of Proposed Drawing Amendment
- ☐ Transmittal of Formal Drawings
- ☐ Certificate of Correction
- ☐ Request for Certificate of Correction
- ☐ Request for Corrected Filing Receipt
- ☐ Certified Copy
- ☐ Transmittal of Certified Copy
- ☐ Change of Attorney's Address in Application

- ☒ Certificate of Mailing
- ☐ IDS; PTO-1449; references
- ☐ Issue Fee
- ☐ Appeal Brief (in triplicate) (_____ page(s))
- ☐ Assignment
- ☐ Assignment Cover Sheet
- ☐ Declaration & Power of Attorney
- ☐ Notice of Appeal
- ☐ Petition & Fee for Extension of Time
- ☐ Let. Calling Attention To Error in Patent
- ☐ Completion of Filing Requirements

☒ OTHER: Status Inquiry

Receipt is hereby acknowledged of the papers/fees as identified
Commissioner of Patents & Trademarks